



Health Policy Briefing

October 3, 2016

Congress Passes Short-Term Spending Bill, Avoids Government Shutdown

Congress succeeded in passing a continuing resolution (CR) on September 28, just two days before the start of the fiscal year (FY) 2017 deadline to avoid a government shutdown. The CR will extend FY 2016 spending levels through December 9, leaving a longer-term deal to be passed during a lame duck post-election session. The spending measure includes \$1.1 billion in funding to combat the Zika virus through vaccine research and mosquito control. The funding bill also includes \$7 million in new spending to address the opioid abuse epidemic. This money will allow for the implementation of some of the provisions contained in the recently passed Comprehensive Addiction and Recovery Act (CARA). The risk of a lapse in government funding had grown in recent weeks as negotiations dragged over the inclusion of emergency spending to address the drinking water crisis in Flint, Mich. House leadership resolved the dispute by agreeing to include money for Flint in a separate water resources bill. The Senate voted 72-26 to approve the bill, with 12 Democrats and 14 Republicans in opposition. The House of Representatives passed the CR by a vote of 342-85, with 75 Republicans and 10 Democrats voting in opposition. President Obama signed the stopgap-funding bill shortly after it cleared Congress. After wrapping up work on the CR, lawmakers quickly adjourned and returned home to the campaign trail. When Congress returns from the election season recess on November 14, lawmakers will spend the lame-duck period negotiating a larger bipartisan budget deal before the CR expires. Speaker of the House Paul Ryan (R-Wis.) has voiced support for the passage of smaller “minibus” packages, rather than a single large, last minute omnibus funding package. This idea has also been endorsed by Senate Majority Leader Mitch McConnell (R-Ky.).

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House Passes Individual Mandate Exemption

The House of Representatives has advanced legislation that would protect customers formerly enrolled in failed non-profit health insurance networks known as co-ops, established under the Affordable Care Act (ACA), from having to pay a penalty for lacking insurance coverage. Sixteen Democrats crossed party lines to support the legislation, which passed by a vote of 258-165. Other Democratic party members argue that the bill is unnecessary because enrollees who lose coverage because of a mid-year co-op collapse are provided with a special sign-up period to purchase new coverage. Customers can also receive a hardship exemption if coverage is unaffordable. Seventeen of the original 23 co-ops have failed due to financial problems. The White House has threatened to veto the bill.

Leadership Declares Cures a Priority for Lame Duck

In a series of separate announcements last week, House and Senate leadership have declared that the passage of the 21st Century Cures Act is a priority for both chambers when lawmakers return in November. Senate Majority Leader Mitch McConnell (R-Ky.) highlighted funding the government and the 21st Century Cures bill as his own personal priorities, noting that the latter “could end up being the most significant piece of legislation we pass in the whole Congress.” In his weekly press briefing, Speaker of the House Paul Ryan (R-Wis.) said that his focus would be on sending 21st Century Cures and mental health reform legislation to the President’s desk. Leadership of the House Energy and Commerce Committee also released a statement reiterating their commitment to getting the medical innovation bill signed into law this year. The bipartisan statement was signed by Chairman Fred Upton (R-Mich.), Rep. Diana DeGette (D-Colo.), Ranking Member Frank Pallone (D-N.J.), Health Subcommittee Chairman Joseph Pitts (R-Pa.) and Ranking Member Gene Green (D-Texas). A revised version of the legislation is expected to be released immediately following the election recess. The new version of the bill could be in part offset by a proposal that would allow for pharmaceutical manufacturers to obtain samples needed to create generic versions of brand-name drug treatments. The offset would be a rewrite of the CREATES Act (S. 3056), introduced by Sen. Patrick Leahy (D-Vt.), which could produce \$2.9 billion in savings over the next decade.

Members Urge CMMI to Stop Mandatory Experiments

Members of the House of Representatives have **written** to the Centers for Medicare and Medicaid Services (CMS) Acting Administrator Andy Slavitt and Deputy Administrator Patrick Conway urging the agency to limit the size and scope of demonstrations administered by the Centers for Medicare and Medicaid Innovation (CMMI). The letter was led by House Budget Committee Chairman Tom Price, M.D. (R-Ga.), Ways and Means Committee Member Charles Boustany Jr., M.D. (R-La.), and Ways and Means Member Erik Paulsen (R-Minn.) and was signed by 176 other House members. The lawmakers ask CMS to commit to seeking Congressional approval if expansion of demonstrations require changes to the underlying statute. They also urge the agency to establish an open and transparent process that supports communication with stakeholders in the development of new models. The letter specifically points to the Part B Drug Payment Model, the Comprehensive Care Joint Replacement (CJR) Model, and the Cardiac Bundle Payment Model as examples of CMMI’s overstep of authority.

Recently Introduced Health Legislation

H.R.6174 (introduced by Rep. Peter Welch): To amend title III of the Public Health Service Act to limit the orphan drug exclusion under the drug discount program under section 340B of such title; Energy and Commerce; September 27

H.R.6184 (introduced by Rep. Robert J. Dold): To amend title XVIII of the Social Security Act to provide for a special enrollment period under Medicare for individuals enrolled in COBRA continuation coverage, and for other purposes; Energy and Commerce, Ways and Means, Education and the Workforce; September 27

H.R.6185 (introduced by Rep. Yvette D. Clarke): To provide for further comprehensive research at the National Institute of Neurological Disorders and Stroke on unruptured intracranial aneurysms; Energy and Commerce; September 27

H.R.6215 (introduced by Rep. Marc A. Veasey): To amend the Internal Revenue Code of 1986 to exempt from the individual health insurance mandate certain low-income individuals residing in States that have not elected the Medicaid expansion under the Patient Protection and Affordable Care Act; Ways and Means; September 28

H.R.6224 (introduced by Rep. Joyce Beatty): To amend the Public Health Service Act to promote the inclusion of minorities and women in clinical research, and for other purposes; Energy and Commerce; September 28

H.R.6226 (introduced by Rep. Tom Price): To delay the Medicare demonstration for pre-claim review of home health services, and for other purposes; Energy and Commerce; September 28

H.R.6241 (introduced by Rep. Ron DeSantis): To amend the Federal Food, Drug, and Cosmetic Act to provide for reciprocal marketing approval of certain drugs, biological products, and devices that are authorized to be lawfully marketed abroad, and for other purposes; Energy and Commerce, Rules; September 28

H.R.6243 (introduced by Rep. Daniel M. Donovan, Jr.): To improve the ability of the Federal Government to address synthetic opioids, and for other purposes; Energy and Commerce, Judiciary, Oversight and Government Reform; September 28

H.R.6259 (introduced by Rep. Steve Israel): To amend the Federal Food, Drug, and Cosmetic Act to ensure that liquid over-the-counter medications are packaged with appropriate dosage delivery devices and, in the case of such medications labeled for pediatric use, appropriate flow restrictors, and for other purposes; Energy and Commerce; September 28

H.R.6261 (introduced by Rep. Derek Kilmer): To amend title XVIII of the Social Security Act to improve the way beneficiaries are assigned under the Medicare shared savings program by also basing such assignment on primary care services furnished by nurse practitioners, physician assistants, and clinical nurse specialists; Ways and Means, Energy and Commerce; September 28

H.R.6265 (introduced by Rep. Jim McDermott): To amend title XVIII of the Social Security Act to provide for certain reforms with respect to medicare supplemental health insurance policies; Ways and Means, Energy and Commerce; September 28

H.R.6274 (introduced by Rep. Erik Paulsen): To amend title XVIII of the Social Security Act to create incentives for healthcare providers to promote quality healthcare outcomes, and for other purposes; Ways and Means; September 28

H.R.6275 (introduced by Rep. Donald M. Payne, Jr.): To amend title XVIII of the Social Security Act to provide coverage under the Medicare program for FDA-approved qualifying colorectal cancer screening blood-based tests, and for other purposes; Energy and Commerce, Ways and Means; September 28

H.R.6276 (introduced by Rep. Tom Price): To amend the Internal Revenue Code of 1986 to clarify the treatment of locum tenens physicians as independent contractors to help alleviate physician shortages in underserved areas; Ways and Means; September 28

H.R.6284 (introduced by Rep. Adam Smith): To amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; Energy and Commerce; September 28

H.Res.899 (introduced by Rep. David G. Reichert): Expressing support for a stable and sustainable funding source for the Teaching Health Center Graduate Medical Education (THCGME) Program; Energy and Commerce; September 28

H.Res.903 (introduced by Rep. Danny K. Davis): Expressing support for the designation of the month of September 2016 as “Sickle Cell Disease Awareness Month” in order to educate communities across the United States about sickle cell disease and the need for research, early detection methods, effective treatments, and preventative care programs with respect to sickle cell disease; Oversight and Government Reform; September 28

H.Res.904 (introduced by Rep. Al Green): Honoring Sisters Network Inc.® for its work to raise awareness about the tragic impact of breast cancer in the African-American community; Energy and Commerce; September 28

H.Res.914 (introduced by Rep. Erik Paulsen): Expressing support for designation of September 2016 as “Pulmonary Fibrosis Awareness Month”; Energy and Commerce; September 28

S.3407 (introduced by Sen. Mark Steven Kirk): A bill to amend the Public Health Service Act to facilitate assignment of military trauma care providers to civilian trauma centers in order to maintain military trauma readiness and to support such centers, and for other purposes; Health, Education, Labor, and Pensions; September 28

S.3431 (introduced by Sen. Kirsten Gillibrand): A bill to coordinate and advance fibrosis research activities at the National Institutes of Health, and for other purposes; Health, Education, Labor, and Pensions; September 28

S.3435 (introduced by Sen. Pat Roberts): A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; Finance; September 28

S.3454 (introduced by Sen. Thomas Carper): A bill to improve medication adherence; Finance; September 28

S.3455 (introduced by Sen. Amy Klobuchar): A bill to allow for the expedited approval of generic prescription drugs and temporary importation of prescription drugs in the case of noncompetitive drug markets and drug shortages; Health, Education, Labor, and Pensions; September 28

S.3457 (introduced by Sen. Cory Gardner): A bill to establish Centers for Medicare & Medicaid Services SBIR or STTR program grants which shall be known as Medicare commercialization grants; Finance; September 28